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OFFICE OF PETITIONS

In re Application of
Lapstun et al.
Application No. 09/575,172
Filed: May 23, 2000
Attorney Docket No. NPX008US

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed July 15, 2004, to withdraw the holding of abandonment in the above-identified application. The application was recently forwarded to the Office of Petitions for a decision on the petition. The Office sincerely apologizes for any inconvenience.

This application was held abandoned for failure to reply to the Notice of Non-Compliant Amendment mailed on February 24, 2004. On May 18, 2004, the Office mailed a Notice of Abandonment. On July 15, 2004, petitioners filed the present petition.

Petitioners asserted that they filed a timely reply to the Notice of Non-Compliant Amendment via facsimile transmission to the USPTO on March 3, 2004. On March 9, 2004, Cynthia Streater from the USPTO sent an e-mail communication to petitioners indicating that the credit card used to pay the extra claim fees was declined. Mrs. Streater requested that petitioners contact her or transmit another credit card payment form. Petitioners asserted that they submitted a credit card payment form to replace the previously declined payment, via facsimile transmission on March 10, 2004. In support of the assertion, petitioner provided a copy of the e-mail communication and a copy of a three-page facsimile to Mrs. Streater, dated March 10, 2004, which included a credit card payment form for extra claim fees and a one-month extension of time fee. Additionally, petitioners submitted a copy of the transmission report from the sending unit, showing a successful transmission of three pages to the USPTO on March 10, 2004.

Upon a review of the record, the reply of March 3, 2004, was located in the application file. Additionally, the Office finance records indicate that a credit card payment for extra claim fees and a one-month extension of time fee was processed on March 10, 2004.

Petitioners have established that they submitted a timely and proper reply to the Notice of Non-Compliant Amendment. Therefore, the petition is granted. The holding of abandonment is withdrawn and the application is restored to pending status.

This application is being referred to Technology Center AU 2629.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3211. All other questions regarding the status of the application or the examination process should be directed to the Technology Center.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petition